

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1106

Introduced by Assembly Member Waldron

February 22, 2013

An act to ~~amend Section 17552 of~~ *add Section 818.3 to the* Government Code, relating to ~~state mandates~~ *public entities*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1106, as amended, Waldron. ~~State mandates.~~ *Public entities: liability.*

Existing law generally regulates county jails. Existing law provides that a public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of his or her employment if the act or omission would have given rise to a cause of action against that employee or the employee's personal representative, as specified. Existing law exempts a public entity from liability for injuries or damages under specified circumstances.

This bill would provide that a public entity that owns or operates a county jail or correctional facility constructed prior to October 1, 2011, or an employee thereof, shall not be liable to an inmate, ward, or prisoner of that county jail or correctional facility for an injury arising out of the failure of the facility to comply with standards or conditions imposed upon state prisons, as specified.

~~The California Constitution requires the state to provide a subvention of funds to reimburse local government for the costs of that new program or higher level of service, with specified exceptions, when the Legislature or a state agency mandates a new program or higher level of service on any local government, including school districts. Existing~~

law establishes the sole and exclusive procedure by which a local agency or school district may claim reimbursement for these costs.

~~This bill would make a technical, nonsubstantive change to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 818.3 is added to the Government Code,
2 to read:

3 818.3. (a) A public entity that owns or operates a county jail
4 or correctional facility constructed prior to October 1, 2011, or
5 an employee thereof, shall not be liable to an inmate, ward, or
6 prisoner of that county jail or correctional facility for an injury
7 arising out of the failure of the facility to comply with standards
8 or conditions imposed upon state prisons, that does not result in
9 cruel and unusual punishment, related to, but not limited to, lack
10 of amenities, activities, dental care, educational curriculum,
11 housing, medical care, mental health care, population, preventative
12 health care, religious programs, therapeutic programs, and work
13 programs.

14 (b) Nothing in this section limits the liability of a public entity
15 or its employee that otherwise exists for an act of gross negligence.

16 ~~SECTION 1. Section 17552 of the Government Code is~~
17 ~~amended to read:~~

18 ~~17552. This chapter shall provide the sole and exclusive~~
19 ~~procedure by which a local agency or school district in this state~~
20 ~~may claim reimbursement for costs mandated by the state as~~
21 ~~required by Section 6 of Article XIII B of the California~~
22 ~~Constitution.~~